

**Cumulative Table of Cases
Connecticut Appellate Reports
Volume 202**

(Replaces Prior Cumulative Table)

A & R Enterprises, LLC v. Sentinel Ins. Co., Ltd.	224
<i>Insurance; alleged breach of commercial automobile insurance policy; reviewability of claim that trial court erred in concluding that recovery of full cost of repairs to insured's vehicle was precluded by insured's failure to comply with voluntary payment provision of insurance policy issued by defendant; claim that trial court erred in concluding that defendant's reliance on insured's alleged noncompliance with voluntary payment provision of policy did not constitute improper attempt to steer insured to defendant's preferred auto repair shop in violation of applicable statute (§ 38a-354 (b)).</i>	
A Better Way Wholesale Autos, Inc. v. Thibodeau (Memorandum Decision)	903
Bank of America, National Assn. v. Sorrentino (Memorandum Decision)	903
Belco v. 23 Fair Street Operations, LLC (Memorandum Decision)	905
Collibee v. Bitteker (Memorandum Decision)	901
Davis v. Commissioner of Correction (Memorandum Decision)	904
Felder v. Commissioner of Correction	503
<i>Habeas corpus; whether habeas court properly dismissed petition for writ of habeas corpus for petitioner's failure to establish good cause pursuant to statute (§ 52-470 (e)) for delay of more than two years in filing successive petition; claim that habeas court abused its discretion in determining that petitioner's assertion that he was unaware of and had never been informed of filing deadline was insufficient to compel conclusion that petitioner met his burden to establish good cause; claim that federal habeas petition was "prior petition" within meaning of § 52-470 (d), thereby tolling time limits in § 52-470 (d) to file successive petition.</i>	
Figueroa v. Commissioner of Correction.	54
<i>Habeas corpus; claim that trial counsel rendered ineffective assistance in failing to request alibi instruction; claim that appellate counsel rendered ineffective assistance in failing to raise claim that petitioner's sixth amendment right to trial by jury was violated; whether habeas court properly dismissed petitioner's claim that his constitutional right to trial by jury was violated because it was procedurally defaulted.</i>	
Gould v. Commissioner of Correction (Memorandum Decision)	901
HSBC Bank USA, National Assn. v. Hines (Memorandum Decision)	903
In re Josiah D.	234
<i>Termination of parental rights; claim that trial court committed reversible error by failing to notify respondent father that it would be drawing adverse inference from his decision not to testify; request for this court to exercise its supervisory authority over administration of justice to require notice to parent beyond what is required by rule of practice (§ 35a-7A).</i>	
In re November H.	106
<i>Termination of parental rights; claim that trial court's finding that respondent father lacked normal and healthy parent-child bond with his child was internally inconsistent with finding that there was no parent-child relationship; whether there was clear and convincing evidence that father failed to achieve sufficient degree of personal rehabilitation as would encourage belief that within reasonable time he could assume responsible position in life of child; claim that trial court's finding that additional time was necessary for father to form normal and healthy parent-child bond was clearly erroneous; claim that trial court's finding that father would be responsible for providing housing and financial support to child within reasonable time was clearly erroneous; whether conduct of child's mother and Commissioner of Children and Families required trial court to consider interference exception to statute (§17a-112 (j) (3) (D)) in determining that father lacked normal and healthy parent-child bond with child; whether trial court made improper comparison between father and child's foster parent in determining that father failed to sufficiently rehabilitate.</i>	

Indoor Billboard Northwest, Inc. v. M2 Systems Corp.	139
<i>Unjust enrichment; assignment of rights under promissory note; whether trial court improperly rendered judgment in favor of individual who was not plaintiff and had not assigned to plaintiff his interest in promissory note that was executed in his favor; unpreserved claim that trial court could not properly consider setoff issue without first permitting defendant to review plaintiffs' tax returns; whether trial court abused its discretion in rejecting special defense of unclean hands; whether trial court's factual finding that promissory note had been amended was clearly erroneous; whether evidence supported trial court's finding that plaintiffs were entitled to recover under theory of unjust enrichment; claim that plaintiffs failed to prove that defendant unjustly did not pay them for benefit defendant received; claim that plaintiffs did not prove that defendant's failure to pay them was to plaintiffs' detriment; whether trial court's finding that defendant's loan obligation was satisfied in part with use of plaintiffs' funds was clearly erroneous; whether trial court erred in finding that plaintiffs satisfied defendant's debt despite plaintiffs' failure to produce evidence of written discharge of promissory note; whether trial court properly denied plaintiffs' postjudgment motion for attorney's fees and expenses.</i>	
Ingram v. Commissioner of Correction (Memorandum Decision)	905
Jan G. v. Semple	202
<i>Alleged deprivation of plaintiff inmate's federal constitutional rights; motion to dismiss; claim that trial court improperly concluded that it lacked subject matter and personal jurisdiction over plaintiff's claims brought against defendants in their individual capacities; whether defendants were entitled to statutory (§ 4-165 (a)) immunity; whether trial court properly dismissed plaintiff's claims brought pursuant to federal statute (42 U.S.C. § 1983) on basis of doctrine of qualified immunity; claim that trial court improperly concluded that it lacked subject matter jurisdiction over plaintiff's claims brought against defendants in their official capacities on basis of doctrine of sovereign immunity.</i>	
Kaminski v. Commissioner of Correction (Memorandum Decision)	902
Kelsey v. Commissioner of Correction	21
<i>Habeas corpus; claim that habeas court abused its discretion in dismissing successive petition for writ of habeas corpus for failure to show good cause pursuant to statute (§ 52-470) for unreasonable delay in filing petition; whether habeas court improperly concluded that petitioner failed to sufficiently establish good cause for delay in filing successive petition; whether lack of personal knowledge of statutory deadline set forth in § 52-470 and lack of access to law library or legal resources sufficiently rebutted presumption of unreasonable delay; whether habeas court properly weighed relevant factors in dismissing successive petition.</i>	
LaPierre v. Mandell & Blau, M.D.'s, P.C.	44
<i>Medical malpractice; motion to dismiss; personal jurisdiction; claim that trial court erred in granting motion to dismiss for lack of personal jurisdiction; whether trial court properly dismissed action for failing to comply with statute (§ 52-190a) that governs medical malpractice actions; whether allegations of complaint satisfied test set forth in Boone v. William W. Backus Hospital (272 Conn. 551) for determining whether claim sounds in medical malpractice.</i>	
Meyers v. Middlefield	264
<i>Administrative appeal; employment termination pursuant to statute (§ 20-260); whether trial court improperly determined that record was sufficient to support decision of town's Board of Selectmen to terminate plaintiff's employment as town's building official; claim that board's decision terminating plaintiff's employment violated public policy and constituted wrongful discharge.</i>	
Miller v. Burby (Memorandum Decision)	901
Newtown v. Ostrosky	13
<i>Foreclosure; whether trial court properly denied motion to reargue and for reconsideration of judgment of foreclosure by sale; claim that foreclosure judgment should be opened and vacated; claim that default for failure to plead entered by court clerk was invalid and could not serve as basis for foreclosure judgment; adoption of trial court's memorandum of decision as statement of facts and applicable law.</i>	
Northeast Builders Supply & Home Centers, LLC v. RMM Consulting, LLC	315
<i>Breach of contract; motion to strike; whether trial court properly granted plaintiff's motion to strike certain counts of defendant's counterclaim because those counts involved different set of facts distinct from those necessary to adjudicate sole issue in complaint; whether trial court's finding that plaintiff was seller of building materials was clearly erroneous; whether trial court's finding that indi-</i>	

	<i>vidual defendants were buyers under credit agreement was clearly erroneous; whether trial court applied proper standard in analyzing defendants' defense of revocation; whether trial court misapplied provision (§ 42a-2-714) of Uniform Commercial Code; whether trial court's award of damages was clearly erroneous.</i>	
OneWest Bank, N.A. v. Ceslik		445
	<i>Foreclosure; motion for summary judgment as to liability; motion for judgment of strict foreclosure; motion to dismiss; motion for judgment; standing; reviewability of claim that trial court erred in rejecting defendant's special defense of laches; claim that trial court erred in denying defendant's motion for judgment; whether trial court properly determined that substitute plaintiff had standing to foreclose mortgage; claim that trial court erred in crediting obviously fraudulent and defective assignments of mortgage; claim that trial court erred in denying defendant's motion to dismiss; reviewability of claim that defendant was denied due process in connection with his postappeal motion for judgment.</i>	
Palmer v. Commissioner of Correction (Memorandum Decision)		902
Reliable Mechanical Contractors, LLC v. Ricketts (Memorandum Decision)		902
Roberts v. Commissioner of Correction (Memorandum Decision)		904
Rose v. Commissioner of Correction		436
	<i>Habeas corpus; whether habeas court abused its discretion in dismissing petition for writ of habeas corpus for petitioner's failure to show good cause pursuant to statute (§ 52-470) for delay of more than one year in refiling petition that previously had been withdrawn; claim that habeas court's findings were clearly erroneous as to advice petitioner's counsel had provided about need to refile petition and relevant time limits as it related to refiling.</i>	
Seaport Capital Partners, LLC v. Speer		487
	<i>Writ of error; claim that trial court improperly granted motion for protective order and held plaintiff in error liable to defendant in error for certain sum; reviewability of plaintiff in error's claims and dismissal of writ of error for failure to comport brief and appendix with appellate rules of practice.</i>	
Seramonte Associates, LLC v. Hamden		467
	<i>Tax appeal; claim that penalty imposed on property owner by town assessor pursuant to statute (§ 12-63c (d)) for failure to submit certain tax forms by required date was improper; whether trial court properly rendered summary judgment; whether trial court properly granted motion to strike; claim that word "submit" as used in § 12-63c (a) was ambiguous; claim that penalty set forth in § 12-63c (d) violated excessive fines clauses of both federal and state constitutions.</i>	
State v. Edwards		384
	<i>Burglary in first degree; robbery in first degree; conspiracy to commit larceny in first degree; assault in second degree; larceny in second degree; whether evidence was sufficient to support jury's finding that value of stolen property in defendant's possession exceeded \$10,000 as required by statute (§ 53a-123); whether victim's testimony on its own was sufficient to support jury's finding of value of property; whether evidence was sufficient to establish that defendant knew property in his possession was stolen; whether trial court improperly admitted hearsay testimony from police detective regarding surveillance video; whether defendant was harmed by admission of challenged testimony; whether trial court abused its discretion in precluding defense counsel from cross-examining victim about unrelated incident in which she was convicted of possession of narcotics; claim that trial court's jury instruction concerning reasonable doubt constituted structural error.</i>	
State v. Ervin B.		1
	<i>Threatening in second degree; claim that evidence was insufficient to support finding that defendant made physical threat against his wife for purposes of conviction of threatening in second degree in violation of statute (§ 53a-62 (a) (1)).</i>	
State v. Ferrazzano-Mazza		411
	<i>Operating motor vehicle while under influence of intoxicating liquor or drugs; operating motor vehicle without license; claim that trial court improperly excluded evidence that defendant had offered to take blood test in lieu of Breathalyzer test and gave jury limiting instruction that it could not consider her offer to take blood test as relevant to any issue in case; whether there was reasonable possibility that jury was misled by trial court's limiting instruction; claim that trial court improperly denied defendant's request to charge jury on field sobriety acts; whether there was reasonable possibility that jury was misled by trial court's refusal to adopt defendant's requested instruction.</i>	

State v. \$4137 in United States Currency (Memorandum Decision)	904
State v. Njoku	491
<i>Sexual assault in fourth degree; tampering with witness; claim that trial court abused its discretion in denying motion to modify condition of probation prohibiting defendant from assuming employment position with authority over females and accessing their personal information; whether defendant's claim constituted legally cognizable dispute; claim that trial court's denial of motion to modify condition of probation barring defendant from using social media violated defendant's first amendment rights; whether defendant's claim was ripe for review.</i>	
State v. Williams	355
<i>Larceny in first degree; whether trial court abused its discretion in admitting certain reports into evidence pursuant to statutory (§ 52-180) business records exception to rule against hearsay; whether trial court abused its discretion in sustaining various evidentiary objections by state to certain documents and testimony that defendant proffered at trial; whether trial court abused its discretion by denying defendant's request for certificates pursuant to statute (§ 54-82i (c)) to subpoena out-of-state witnesses and by considering timeliness of defendant's request.</i>	
Vogue v. Administrator, Unemployment Compensation Act	291
<i>Unemployment compensation; whether trial court properly dismissed appeal from decision of Employment Security Board of Review; whether plaintiff was liable for certain unpaid unemployment compensation contributions under Unemployment Compensation Act (§ 31-222 et seq.); whether board and trial court properly applied part B of ABC test under § 31-222 (a) (1) (B) (ii) (II) in concluding that tattoo artist was plaintiff's employee; whether record contained substantial evidence for board to have determined that provision of tattoo services was within plaintiff's usual course of business and part of its business enterprise; claim that board and trial court focused solely on plaintiff's advertisements and not on other findings that did not support board's determination.</i>	
Wittman v. Intense Movers, Inc.	87
<i>Corporate dissolution; breach of fiduciary duty; notice to purchase shares of company pursuant to statute (§ 33-900 (b)); motion to enforce settlement agreement; whether defendants established that trial court improperly enforced settlement agreement.</i>	